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ABSTRACT

The text of the Higher Education Act of 1969, which established the Utah System of Higher Education, is presented. To govern this system as a single governing board, the legislature established the new state board of regents, which is composed of 16 members. Institutional councils were established to assist in the government of the institutions. The act was designed to improve public higher education through centralized direction and master planning. This approach will help to prevent unnecessary duplication within the system and to ensure orderly development of facilities and quality programs, coordination and consolidation, and systematic development of the role of each institution. Directives are presented regarding the composition and responsibilities of the board, responsibilities of the commission of higher education, appropriations requests, changes in curriculum, granting of degrees, buildings and facilities, creation of institutional councils, research grants, and student loan programs. Responsibilities of the officers of the board, governance and administration, meetings of the board, committees, quorum requirements, and public information dissemination are also discussed. The member colleges and their respective presidents and institutional council members are listed. Bylaws and subsequent amendments and statutes to the act are also included. (SW)

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The Utah Higher Education Act Of 1969

Related Statutes, and Bylaws
Of the Utah State Board
Of Regents
(Third Edition)

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Foreword

The Higher Education Act of 1969 was approved and signed into law by Utah Governor Calvin L. Rampton, March 21, 1969. With its related statutes and amendments, the Act established the Utah System of Higher Education. The member institutions, in order of the year of their founding, are the University of Utah in Salt Lake City (1850), Utah State University of Agriculture and Applied Science at Logan (1888), Snow College at Ephraim (1888), Weber State College at Ogden (1889), Southern Utah State College at Cedar City (1897), Dixie College at St. George (1911), College of Eastern Utah at Price (1937), Utah Technical College at Provo (1941), and Utah Technical College at Salt Lake City (1947).

To govern this system as a single governing board, the Legislature established the new State Board of Regents of sixteen members. Powers and authorities previously vested in the university regents and other governing boards were transferred to the new board. Institutional councils were established to assist in the government of the institutions. The new statewide board has delegated important functions and responsibilities to the councils of these institutions.

These bylaws, with subsequent amendments and statutes, are printed in this convenient form for the use of the board, its staff, the presidents, institutional councils, the various academic communities concerned, and the general public.

The constitutionality of the Higher Education Act of 1969 was confirmed by the Utah Supreme Court in the case of the State Board of Education v. State Board of Higher Education (505 p.2d 1193).

T. H. Bell
Commissioner of Higher Education
and Chief Executive Officer
Utah Board of Regents
May 1980

Members, Utah State Board of Regents

Established 1969

	Terms Expire
Donald B. Holbrook, Salt Lake City Chairman	1981
Rex G. Plowman, Lewiston Vice Chairman	1983
Peter W. Billings, Salt Lake City	1981
Ralph S. Blackham, Moroni	1985
W. Hughes Brockbank, Salt Lake City	1985
J. Lynn Dougan, Salt Lake City	1983
Kem C. Gardner, Salt Lake City	1985
Jay Dee Harris, Tremonton	1985
George C. Hatch, Salt Lake City	1983
Alex P. Hurtado, Ogden	1985
Mrs. Mary D. Lunt, Cedar City	1983
Neal A. Maxwell, Salt Lake City	1981
Robert L. Newey, Ogden	1983
Luke G. Pappas, Price	1981
Roy W. Simmons, Kaysville	1981
Cyndi Woodbury, Cedar City	1980

T. H. Bell
Commissioner of Higher Education
and Chief Executive Officer

Utah System of Higher Education

Member Institutions and Presidents

University of Utah (1850) Salt Lake City
David P. Gardner, President

Utah State University (1888) Logan
Stanford Cazier, President

Weber State College (1889) Ogden
Rodney H. Brady, President

Southern Utah State College (1897) Cedar City
Orville D. Carnahan, President

Snow College (1888) Ephraim
J. Marvin Higbee, President

Dixie College (1911) St. George
Wm. Rolfe Kerr, President

College of Eastern Utah (1937) Price
Robert M. Worthington, Acting President

Utah Technical College at Provo (1941)
Wilson W. Sorensen, President

Utah Technical College at Salt Lake (1947) Salt Lake City
Dale S. Cowgill, President

Institutional Councils

University of Utah
(Salt Lake City)

Edward W. Clyde, Chairman, 1981
John Dahlstrom, Vice Chairman, 1983
Desmond Barker, 1983
Reed W. Brinton, 1983
Richard W. Giauque, 1981
Bettye Gillespie, 1981
DeAnne Hanson, 1981
Aline Skaggs, 1983
D. Brent Scott, (Alum Pres)
Paige Paulsen, (SB Pres)

Utah State University
(Logan)

Glenn J. Mecham, Chairman, 1981
Leah D. Parkinson, Vice Chairman, 1983
R. Kieth Binford, 1981
James E. Brown, 1983
Roy L. Holman, 1983
Leonard W. McDonald, 1981
Merrill J. Millett, 1981
Janet Cannon Randall, 1983
Donniel Horlacher, (Alum Pres)
Lester K. Essig, (SB Pres)

Weber State College
(Ogden)

Robert T. Heiner, Chairman, 1983
Gwen S. Williams, Vice Chairman, 1981
Jerry W. Baker, 1983

Dallas H. Buckway, 1981
Roy C. Nelson, 1983
Pat Lucero Oliver, 1981
Clyde C. Patterson, 1981
Harold C. Steed, 1983
Kent Petersen, (Alum Pres)
Bryan Steele, (SB Pres)

Institutional Councils

Southern Utah State College
(Cedar City)

Frank J. Petty, Chairman, 1981
James Hoyle, Vice Chairman, 1981
Joanna Adamson, 1983
Loretta Cline, 1983
Garn Huskinson, 1981
Clarence Miller, 1983
Michael Park, 1983
Dale O. Zabriskie, 1981
Don Marchant, (Alum Pres)
Eric Houle, (SB Pres)

Snow College
(Ephraim)

Arthur H. Nielsen, Chairman, 1983
Ward C. Killpack, Vice Chairman, 1981
Paul Frischknecht, 1981
Jack H. Goaslind, Jr., 1983
LaRue M. Neilson, 1981
LaGrande H. Terry, 1981
Clyde Swenson, 1983
Flora C. Weggeland, 1983

Kent Larsen, (Alum Pres)
David Shand Tibbs, (SB Pres)

Dixie College
(St. George)

Derrill C. Larkin, Chairman, 1981
M. Truman Bowler, Vice Chairman, 1981
Jay R. Bingham, 1983
William G. Bruhn, 1981
Douglas I. Hunt, 1981
G. Wayne Shamo, 1983
Sandra W. Wilkins, 1983
Randy W. Wilkinson, 1983
J. C. Andrus, (Alum Pres)
K. Ron Metcalf, (SB Pres)

Institutional Councils
(Continued)

College of Eastern Utah
(Price)

Gary Tomsic, Chairman
Ralph T. Coates, Vice Chairman, 1983
Thomas F. Bailey, 1983
Bettina Black, 1981
LaVon Day, 1983
Terry Fry, 1981
Gordon Newbold, 1981
O. W. Phelps, 1981
Bruce Shumway, 1983
T. Dean Shimabukuro, (SB Pres)

Utah Technical College
(Provo)

Grant C. Burgon, Chairman, 1983
Charles L. Bates, Vice Chairman, 1981
Edward B. Anderson, 1983
Robert E. Halladay, 1981
Hilton Honyaoma, 1983
Howard Pace, 1981
Eris Y. Sumner, 1981
Boyd C. Sunderland, 1983
David A. Jacobson, (Alum Rep)
W. Lee Barrus, (SB Pres)

Utah Technical College
(Salt Lake)

Richard S. Prows, Chairman, 1981
Eugene (Gene) C. Hafen, Vice Chairman, 1983
Frances N. Boyden, 1981
F. J. (Joe) Cosgrove, 1983
Lenore Edmunds, 1983
John H. Klas, 1983
John A. Rokich, 1981
Douglas T. Simpson, 1981
Bernard Tanner, (Alum Rep)
Roxann Ferguson, (SB Pres)

Higher Education Interim Study Committee
1979—80

SENATE

Senator **Ronald T. Halverson,** Ogden, Co-chairman
Senator **Charles W. Bullen,** Logan
Senator **William N. Jones,** Alpine

Senator **Darrell G. Renstrom,** Ogden
Senator **Karl N. Snow, Jr.,** Provo
Senator **Karl G. Swan,** Tooele

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Representative **G. Lamont Richards,** Salt Lake City, Co-chairman
Representative **Norman H. Bangerter,** Salt Lake City
Representative **Mike Dmitrich,** Price
Representative **Clifford S. LeFevre,** Clearfield
Representative **LeRay L. McAllister,** Orem
Representative **Dix Holt McMullin,** South Jordan
Representative **D. Leon Reese,** Magna
Representative **Paul Rogers,** Orem
Representative **Norman O. Wahlstrom,** Logan
Representative **Kevin Watt,** Salt Lake City
Representative **Keith W. Wilcox,** Ogden

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HIGHER EDUCATION ACT OF 1969

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53-48-25. Effect of act — Board to succeed to rights and duties of boards and council.

53-48-1. **Short Title**

53-48-2. Purpose. — (1) It is the purpose of this act to afford the people of the state of Utah a more efficient and more economical system of high quality public higher education through centralized direction and master planning providing for avoidance of unnecessary duplication within the system, for the systematic and orderly development of facilities and quality programs, for co-ordination and consolidation, and for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution.

(2) The purpose of this act is to vest in a single board, the state board of regents, the power to govern the state system of higher education consistent with the policies adopted under section 53-2-12 and in its discretion to delegate certain powers to institutional councils.

53-48-3. State system of higher education — What constitutes. — (1) The state system of higher education shall consist of the following institutions: The state board of regents, the University of Utah, Utah State University of Agriculture and Applied Science, Weber State College, Southern Utah State College, the College of Eastern Utah, Snow College, Dixie College, Utah Technical College at Provo, Utah Technical College at Salt Lake and such other public post-high school educational institutions as the legislature may from time to time create.

(2) Whenever "state board of higher education" or "board" are used in

sections 53-48-4 through 53-48-25, they shall mean "state board of regents."

53-48-4. State board of regents created — Powers and duties. — There is hereby created and constituted a state board of regents, which board is empowered to sue and be sued and to contract and be contracted with. The state board of regents is vested with the control, management and supervision of the following institutions of higher education in a manner consistent with the policy and purpose of this act and the specific powers and responsibilities granted to it: The University of Utah, located at Salt Lake City, Salt Lake County; Utah State University of Agriculture and Applied Science, located at Logan, Cache County; Weber State College, located at Ogden, Weber County; Southern Utah State College, located at Cedar City, Iron County; Dixie College, located at St. George, Washington County; Snow College, located at Ephraim, Sanpete County; the College of Eastern Utah, located at Price, Carbon County; Utah Technical College at Provo, located in Utah County; and Utah Technical College at Salt Lake, located in Salt Lake County. Except as specifically provided by law, the board shall succeed to the powers, duties, authority and responsibilities heretofore held and exercised by the governing boards of the aforementioned institutions and by the co-ordinating council of higher education; and all laws pertaining to those powers and/or duties, authority and responsibilities which are not repealed, superseded or amended by this act shall apply to the board with the force and effect as they have heretofore applied to the respective governing boards of said institutions and to the co-ordinating council of higher education.

Nothing herein shall affect the power and authority vested in the state board for vocational education to apply for, accept, and manage federal appropriations for the establishment and maintenance of vocational education.

53-48-5. State board of regents — Members — Terms — Oath — Officers — Committees — Bylaws — Meetings — Quorum — Vacancies — Compensation. —(1) The state board of regents shall consist of sixteen resident citizens of the state, who shall be appointed by the governor with the consent of the senate with one member being appointed from nominations of the studentbody presidents council of three fully qualified matriculated students enrolled in the state institutions of higher education other than the studentbody president. Other than this studentbody appointee, not more than eight members shall, at any time, be from one political party. In making appointments to the board, persons shall be selected from the state at large with due consideration for geographical representation.

(2) The members of the board initially appointed hereunder, shall assume their duties on the first day of July, 1969. Of the initial appointments to the

board, the governor shall designate five appointees to serve terms expiring June 30, 1971, five appointees to serve terms expiring June 30, 1973, and five appointees to serve terms expiring June 30, 1975. Appointments to vacancies on the board occurring as the result of the expiration of the term of office of board members shall be made for six-year terms regardless of the length of the expiring term of office; provided, that student members shall be appointed for a one-year term and may be reappointed for one additional one-year term. The student appointee shall have full voting rights except that he shall not vote on selection of a board chairman. Regardless of the termination date of their term of office, all board members shall continue to hold office until their successors have been appointed and have qualified to hold the office.

(3) Each member of the board shall take the official oath of office before entering upon the duties of his office. Such oath shall be filed with the secretary of state.

(4) The board shall elect one of its members to serve as chairman and shall elect a vice-chairman to assume the duties of chairman in his absence. Both officers shall serve terms of two years and until their successors are chosen and qualified.

(5) The board shall appoint from the staff of its chief executive officer a secretary to serve at the pleasure of the board. The secretary shall be a full-time employee and receive such salary as fixed by the board. He shall be charged with the responsibility of recording and maintaining a record of all board meetings and shall perform such other duties as the board may direct.

(6) The board shall appoint a treasurer to serve at the pleasure of the board. The treasurer need not devote full time to his duties but shall expend the time and effort demanded by the board.

(7) The secretary and the treasurer each may be required to post a bond in favor of the state for the faithful discharge of their duties. These bonds must be approved by and delivered to the secretary of state. Bonds taken by the state shall be copied into the board recordbook, and in case of loss or destruction of any bond, the record shall be prima facie evidence of its contents and execution.

(8) The board shall have the authority to establish committees as it deems necessary to properly fulfill its responsibilities. These committees are to be advisory only and the powers and authority of the board shall not be delegated thereto, except as is specifically provided for in this act. All matters requiring board determination shall be presented to and deliberated upon by the board as a whole or as an executive committee of the board properly convened.

(9) The board shall enact bylaws providing for its own government which

shall not be inconsistent with the constitution of the laws of this state and which are necessary and proper for the execution of the powers and duties conferred upon it by law.

(10) The board shall meet regularly on the same day of the same week of the month, as it shall determine, and when specifically called to convene, in full or executive session, by the chairman of the board, by the executive officer of the board, or by request of five members of the board.

(11) A quorum of the board necessary to conduct and transact its business shall consist of nine members.

(12) Vacancies in offices of the board occurring before the expiration of a member's full term shall be immediately filled by an appointment by the governor. The appointee shall serve for the remainder of the unexpired term, subject to confirmation by the senate at its next session.

(13) Each member of the board shall receive as compensation for his services a per diem allowance as established by the board of examiners; and each member shall be paid actual expenses incurred in attending meetings of the board or its committees or in attending to any business of the institution under and by authority of the board or its committees.

53-48-6. Commissioner of higher education to be appointed — Responsibilities. — The board shall select and appoint a commissioner of higher education to serve as the chief executive officer of the board. The board shall set the salary of the commissioner and shall prescribe his duties and functions and he shall serve at the pleasure of the board. The chief executive shall be selected because of his outstanding professional qualifications. The commissioner shall be responsible to the board (a) to see that its policies and programs are properly executed, (b) to furnish information about the state system of higher education and make recommendations to the board with respect thereto, (c) to provide state level leadership in all activities affecting institutions in the state system of higher education and (d) to do such other things as may be directed by the board in carrying out its duties and responsibilities under this act.

53-48-7 Board to appoint and hire staff — Transfer of functions and funds from institutions. — Upon the recommendation of its chief executive officer, the board shall appoint and hire a staff of professional and administrative personnel to serve at the pleasure of the board at such salaries, retirement provisions and other benefits and in such capacities as it may from time to time determine and direct. In the event the board transfers to the functions of its staff a staff function from one or more of the institutions in the state system of higher education, the funds theretofore budgeted by such institutions for the performance of the transferred function shall be transferred to the board. Any personnel so transferred shall retain their retirement and

other benefits and seniority of tenure standing with the institution from which they were transferred.

53-48-8. Additional responsibilities of board — Studies and evaluation of institutions — Establishment of master plan of higher education. — The board shall be responsible for conducting continuing studies and evaluations of the facilities, grounds, buildings, and equipment at the institutions under its jurisdiction, and to use space utilization and other studies conducted by the state building board. It shall establish and maintain an up-to-date master plan which shall include but not be limited to: (1) state-wide planning of public higher education in terms of aims, purposes and objectives of the system as a whole; (2) establishing and defining the role and programs of each institution within the system; (3) establishing criteria for and determination of the future needs and requirements for new programs and new institution and/or the elimination, curtailment, or consolidation of existing programs and facilities; (4) providing for the initiation and financing of such projects as are deemed necessary to meet and satisfy the projected patterns of growth and maintenance; (5) establishing criteria for and determination of the operating and capital budgetary needs of each institution and the system as a whole; (6) recommending the methods and sources of future financial support of the higher education system; (7) establishing procedures for the development of maximum utilization of existing facilities as suggested by space utilization studies conducted by the state building board; and (8) securing an adequate and co-ordinated program for the junior colleges and the vocational, technical and para-professional institutions and departments in the state system of higher education. The board shall be responsible for and is hereby empowered to do all things necessary for the effective implementation of the statewide master plan as adopted and revised by the board from time to time. The state board for vocational education shall provide vocational education staff assistance to the state board of higher education in support of master planning activities required in this section as such relate to vocational technical education.

History: L. 1969, ch. 138, § 8.

53-48-9. Systems to be standarized. — The board shall prescribe for all institutions under its jurisdiction, standardized systems of accounts, records and reports covering in sufficient detail the operations of the educational institutions under its control.

History: L. 1969, ch. 138, § 9.

53-48-10. Board to prepare combined request for appropriations — Review of operating budgets — Recommendations — Requests for hearings — Establishment of formulas — Fixing of tuition, fees and charges — Institutional work programs — Financial affairs supervised. — (1) Request

for state appropriations of whatever nature for the institutions governed by the board and for the board and its staff shall be prepared by the board and a combined appropriation shall be recommended for inclusion in the state budget as required by sections 63-2-18 and 67-1-7 for presentation to the governor and to the legislature at least thirty days prior to the covening of the legislature, complete with a schedule showing the recommended amount for each respective institution, including branches or division thereof and for the board and its staff. The recommended budget for inclusion in the combined request for appropriations shall be determined by the board only after it has reviewed the various operating budgets, consulted with the various institutions and board staff in order to make such adjustments on the budgets as are deemed appropriate. Institutional and staff operating budgets shall be submitted to the board at least ninety days prior to the convening of the legislature in accordance with the procedures established by the board; provided that requests pertaining to buildings, utilities, alterations, repairs and improvements, campus development, facilities and land purchases shall be submitted in accordance with procedures prescribed by the state building board in order to facilitate their inclusion in the state building board's program for all state institutions and agencies in its report to the governor and the legislature. The recommendations of the board shall be accompanied by full explanations and supporting data. The appropriations recommended by the board shall be made with the dual objective of (a) justifying for public post-high school education institutions appropriations consistent with their needs, and consistent with the financial ability of the state, and (b) determining an equitable distribution of funds for public post-high school education among the respective institutions in accordance with the aims and objectives of the statewide master plan for higher education. The board shall request a hearing or hearings with the governor relative to the recommended state appropriations. After the governor's budget message has been delivered to the legislature, the board shall request hearings on the recommended state appropriations with the appropriate committees of the legislature. If either the total amount of the state appropriations or the allocation thereof among the institutions as proposed by the legislature or its committees for public post-high school education is substantially different from the recommendations of the board, the board shall request further hearings with the legislature or the appropriate committees thereof to reconsider both the total amount and the allocation of the proposed state appropriations among the various institutions;

(2) The board shall devise, establish, periodically review and may revise formulas for its use and for the use of the governor and the committees of the legislature in making appropriation recommendations to the legislature. The board shall recommend to each session of the legislature the minimum

tuitions, resident and nonresident, for each institution in the state system of higher education which it deems necessary to implement the budget recommendations for each such institution. The board may fix the tuition, fees and charges for each institution at such level as it finds necessary to meet the budget requirements of each institution.

(3) Moneys allocated to each institution by legislative appropriation may be budgeted by each institution in accordance with an institutional work program approved by the board, provided that the expenditures for each institution shall be kept within the appropriation for the applicable period.

(4) The dedicated credits, such as tuitions, fees, federal grants, and proceeds from sales, received by the university and colleges may be retained by these institutions and used in accordance with each institutional work program.

(5) Each university and college and the Utah Technical College at Provo and the Utah Technical College at Salt Lake may do its own purchasing, issue its own payrolls, and handle its own financial affairs under the general supervision of the board as provided in this act.

53-48-11. Fiscal year. — The fiscal year for each institution within the system and for the board shall commence on the first day of July and end on the thirtieth day of June in each year.

53-48-12. Establishment of institutional roles and general courses of study. — Except as institutional roles are specifically assigned by the legislature, the board shall be vested with the power and authority to establish and define the roles of the various institutions of higher education under its control and management and shall prescribe the general course of study to be offered at each institution. In establishing, and defining institutional roles, the board shall consider the traditional roles which have been performed by the separate institutions.

53-48-13. Changes in curriculum — Substantial alterations in institutional operations — Periodic review of programs — Vocational education curricula. — Pursuant to procedures and policies approved by the board and developed in consultation with each institution, each institution may make such changes in its curriculum as it may deem necessary or desirable to better effectuate the role or roles previously approved by the board; provided, that notice of such changes in the curriculum shall in all cases be promptly submitted to the board. The board shall establish procedures and policies for considering institutional proposals for substantial alterations in the scope of existing institutional operations and such changes shall not be made without prior approval of the state board. For purposes of this subsection "a substantial alteration" shall be defined as the establishment of a branch, extension

center, college, professional school, division, institute, department or any new program in instruction, research or public services or any new degree or certificate.

The board shall conduct periodic reviews of all programs of instruction, research and public service at the member institutions of the state system of higher education, including those funded by gifts, grants and contracts, and may require the modification or termination of any program. Prior to requiring modification or termination of any program, the board shall give the institution concerned adequate opportunity for a hearing before the board.

In making decisions related to curriculum changes the board shall receive the approval of the state board for vocational education for an orderly and systematic vocational education curriculum to be established to eliminate overlap and duplication of course work with the high schools and area vocational centers.

53-48-14. Granting of degrees and testimonials — Approval of board required. — Except as otherwise specifically provided by law, no institution, subject to this act, shall issue or award any degree or testimonial as is usually granted by universities or colleges, without first having secured the approval of the board of the adequacy of the course of work or study for which such degree or testimonial is offered and of the propriety of the particular institution in issuing or awarding that degree or testimonial with regard to its proper role within the system. Degrees or testimonials which prior to the date of this act have been approved by the governing boards of the institutions and granted by them shall not require approval of the board; provided, however, the board shall have the power to direct termination of the granting of such previously approved degrees and testimonials when the granting thereof is inconsistent with role or roles prescribed by the board for the affected institution.

53-48-15. Board to appoint president for each institution — Duties and responsibilities. — The board after consulting with the institutional council shall appoint and hire a president for each state university, state college, and state junior college, and other institutions in the state system of higher education, each to serve at the pleasure of the board and at such salary as it may determine and fix.

Unless the board shall reserve to itself such action, the president of each institution with the approval of the institutional council:

(1) Shall appoint, hire and contract with a secretary and a treasurer for each institution, administrative officers, deans of schools or colleges, professors, associate professors, assistant professors, instructors, and other professional personnel, faculty and assistants, and shall prescribe their duties and

determine their salaries.

(2) May provide for the administrative staff for each institution by appointing personnel to serve in such positions and responsibilities and for such salary as the board shall establish for that particular instituion and position.

(3) May provide each institution with such other employees as are deemed necessary to the proper operation and maintenance of the administration and facilities of that institution.

(4) May provide for the constitution and organization of the faculty and administration of each institution, and enact rules and regulations for the government of the faculty and employees of that institution, which shall include the establishment of a prescribed system of tenure for each institution.

(5) May commit to the faculty of each institution, the general initiation and direction of instruction and of the examination, admission and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government and commitment of duties and responsibilities to faculty governments need not be identical but should be designed to further identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education.

(6) May enact rules and regulations for administration and operation of the institution which are not inconsistent with the prescribed role established by the board, rules and regulations enacted by the board or the laws of the state of Utah. Such rules and regulations may, within the limits prescribed above, provide for administrative, faculty, student and joint committees with jurisdiction over specified institutional matters, and provide for student government and student affairs organization and provide for the establishment and publication of institutional standards involving the educational policy and programs in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty and students.

(7) May exercise such grants of power and authority as may be delegated by the board, as well as such other necessary and proper exercise of such powers and authority not specifically denied to the institution, its administration, faculty or students by the board or by law to assure the effective and efficient administration and operation of each institution, its colleges or departments provided that all delegations of authority will be exercised consistent with provisions of the statewide master plan for higher education.

53-48-16. Property of institutions to vest in board. — The board shall

succeed to and be vested with all the powers and authority relating to all properties, real and personal, tangible and intangible and to the control and management thereof which was held by the governing board of each institution prior to the effective date of this act.

History: L. 1969, ch. 138, § 16.

53-48-17. Buildings and facilities — Board to approve all construction and purchases. — The board shall approve or disapprove all new construction, repair and facilities financed from any source at all institutions subject to the jurisdiction of the board. No institution shall submit plans or specifications to the state building board for the construction or alteration of buildings, structures or facilities or for the purchases of equipment or fixtures therefore without the authorization and approval of the board.

53-48-18. Property exempt from taxes and assessments. — The property of the institutions governed by the board shall be exempt from all taxes and assessments.

53-48-19. Creation of institutional councils — Powers and duties — Membership — Terms — Oath — Officers — Bylaws — Quorum — Committees — Compensation. — (1) There is hereby created and constituted an institutional council for each of the institutions which are members of the state system of higher education.

(2) In addition to the powers, duties and responsibilities assigned elsewhere in this act, each council is authorized and empowered to act in behalf of its institution in performing such duties, responsibilities and functions as may be specifically authorized and delegated to the council by the state board of regents; the council shall act in behalf of its institution in facilitating communication between the institution and the community, in assisting in planning, implementing and executing fund raising and development projects aimed at supplementing institutional appropriations, in perpetuating and strengthening alumni and community identification with the institution's tradition and goals, and in selecting those persons to be the recipients of honorary degrees to be granted by the institution.

(3) The membership of each council shall consist of eight persons appointed by the governor with the advice and consent of the senate. The president of the institution's alumni association shall serve as the ninth member of the council. The president of the associated students of the institution shall serve as the tenth member of the council. The appointed members of the institutional councils for each of the Utah Technical Colleges shall be representative of the interests of business, industry, labor and agriculture in the state. Except for the institutional council for each of the Utah Technical Colleges, the members initially appointed hereunder shall take office on July 1, 1969. Of the eight initial appointments, the governor shall

research grants permitted — Powers of institutions under authorized programs — Contracts or grants requiring use of facilities or personnel subject to board approval. — (1) The board shall be the designated state educational agency authorized to negotiate, and contract with, the federal government and to accept financial or other assistance from the federal government or any agency thereof, in the name of and in behalf of the state of Utah, under such terms and conditions as may be prescribed by congressional enactment designed to further the cause of higher education. Provided, further, that nothing in this act shall be construed as to alter or limit authorization of the state building board to act as the designated state agency to administer programs in behalf of and accept funds from federal, state and/or other sources for the benefit of post-high school education.

(2) Subject to policies and procedures established by the board, the administration of the several institutions under the jurisdiction and control of the board, colleges, departments and individual employees of said institutions may apply for and receive institutional, departmental, or individual grants or research and/or development contracts in the fields of science, health, education, natural resources and such other fields as are within the educational role of the recipient institution, college or department. Such authorized programs may be conducted by and through any institution, college or department or by and through any foundation or organization which is established for the purpose of assisting the research unit in the accomplishment of its purposes.

(3) Any institution, college or department or its foundation or organization engaged in a program authorized by the board may:

(a) Enter into contracts with federal, state or local governments or the agencies or departments thereof, with private organizations, companies, firms or industries, or with individuals for conducting such authorized programs;

(b) Subject to the approval of the state agency responsible for the management of the respective institution, conduct activities concerning such authorized programs within any of the penal, corrective or custodial institutions of this state and engage the voluntary participation of the inmates thereof in such programs;

(c) Accept contributions, grants or gifts from any private organization, company, firm, industry or individual, or any governmental agency or department for such programs for the advancement of research or development in the fields of science, health, education, natural resources and such other fields as are within the educational role of the recipient institution, college or department; and enter into agreements or co-operative undertakings with any private organization, company, firm, industry or individual, or any governmental agency or department with respect thereto, including matching funds from such sources with funds otherwise available to it;

designate four appointees to serve two-year terms, expiring on June 30, 1971, and four appointees to serve four-year terms, expiring on June 30, 1973. The members initially appointed to the institutional council for each of the Utah Technical Colleges shall take office on July 1, 1978; and of the eight initial appointments made to each council, the governor shall designate four appointees to serve one-year terms, expiring on June 30, 1979, and four appointees to serve three-year terms, expiring on June 30, 1981. Subsequent appointments occurring at the expiration of the term of office shall be made for four-year terms of office. Appointments made in filling of a vacancy occurring before the expiration of the term shall be for the remainder of the unexpired term. Regardless of the termination date of the term of office, all appointed members shall continue to hold office until their successors have been appointed and qualified. The members of the institutional councils who are either a president of the institution alumni association or a president of the associated students of the instituion shall serve terms of office on their respective councils for the same duration as they serve as such presidents and until their respective successors thereto have qualified.

(4) Each member of the councils created hereby shall, before entering upon the duties of the office, take the official oath of office which shall be filed with the secretary of state.

(5) Each council shall choose one of its members to serve as chairman and another of its members as vice-chairman, who shall hold office for two years and until their successors are chosen and qualified by filing their respective names with the board. Persons initially chosen as chairman and vice-chairman of the councils of the technical colleges shall hold office for one year, but their successors shall be chosen for two years; and each shall serve until their successors have been chosen and qualified.

(6) Each council may enact such bylaws for its own government as it deems necessary, including provision for regular meetings of the council. Copies of the council's bylaws shall be submitted to the state board of regents.

(7) A quorum for conducting the business of each council shall consist of six members. Each council shall have the authority to establish such committees as it deems necessary to properly fulfill its responsibilities; provided, that such committees shall be advisory only. All matters requiring council determination shall be presented to and considered by the entire council.

(8) Each member of the council shall receive as compensation for services a per diem allowance as established by the board of examiners and each member may be paid the actual expenses incurred in attending to the authorized business of the council when such payment is authorized and approved by the state board of regents.

53-48-20. Board designated state agent for federal aid — Individual

(d) Retain, accumulate, invest, commit and expend the funds and proceeds from such authorized programs; including the acquisition of real and personal property reasonably required for the accomplishment of the same, provided; however, that no portion thereof may be diverted from or used for purposes other than those authorized or undertaken pursuant to the provisions hereof shall ever become a charge upon or obligation of the state of Utah or the general funds appropriated for the normal operations of such institution, college or department, unless specifically so specified elsewhere in the act.

(4) All contracts and research or development grants or contracts requiring the use or commitment of facilities, equipment or personnel under the jurisdiction and control of the board or the institutions governed thereby, shall be subject to the review and approval of the board.

53-48-20.5. Legislative findings — Television broadcasting by University of Utah — Sources of financing. — (1) The legislature hereby finds and determines that:

(a) A public television broadcasting facility is needed in the State of Utah and KUED or its successor should be and is hereby designated as that facility.

(b) KUED has been and is now licensed to the University of Utah under the affiliation of the Public Broadcasting Service (PBS), and is under the administrative supervision of the University of Utah, subject to the authority and control of the Utah state board of regents.

(2) Pursuant to policies and procedures established by the board, the University of Utah, acting for and on behalf of KUED or its successor and subject to the requirements of its license and applicable regulations of the Federal Communications Commission, is authorized to, and within the limits of available funding shall:

(a) Subject to section 53-48-20, accept and use gifts, and apply for and receive funds, from federal and other sources for carrying out the purposes of this section;

(b) Develop, maintain, and operate a public television broadcasting service, including a state television translator system for transmitting its signal into as many communities of the state as may be economically and technically feasible and lawfully permissible under its operating license, and in conjunction therewith, cooperate with the state and local governmental and educational agencies and provide leadership and consulting services in regards to signal reception.

(c) Provide, produce, and coordinate the production of a broad spectrum of programs of an educational, cultural and entertaining nature designed to promote the public interest and welfare of the State of Utah;

(d) Cooperate with the Utah state board of education to provide the public

schools of Utah with the following services:

(i) Broadcasting during school hours of educational and administrative programs approved and scheduled by the state board of education;

(ii) Studio production for the creation of educational programs;

(iii) Duplication of program masters for broadcast purposes;

(iv) Non-studio production services for the compilation of various production elements into completed programs; and

(v) Program previewing;

(e) Provide public service announcements and program support for state and local government agencies throughout Utah, thereby forming a major communication link among the state's communities;

(f) Provide program broadcasting and instructional television support of the University of Utah and other institutions of higher education in the State of Utah;

(g) Co-operate with Utah State University in preparation, scheduling and broadcast of programs produced at its production center.

53-48-21. Consultation with institutional councils. — In carrying out its duties and responsibilities under this act the state board of higher education shall consult with the institutional council and/or the president of member institutions of the state system of higher education on matters pertaining to their respective institutions. The board is authorized to: (a) call meetings with one or more of the several institutional councils of the members institutions, (b) invite other appropriate groups to meet with it, and (c) appoint committees including members of institutional councils, administrators, faculty staff members and students, which committees shall perform such duties as they are assigned by the board to assist it in carrying out the purposes of this act.

53-48-22. Board to seek co-operation of nonmember institutions. — As a future means of attaining a well integrated and adequate system of post-high school education in Utah, the state board of higher education shall seek the co-operation of all private, denominational and other post-high school educational institutions situated in this state and which are not supported by public funds.

53-48-23. Report of activities. — The state board of higher education shall make a report of its activities to the governor and to the legislature annually. Copies of these reports shall be furnished to all member institutions of the state system of higher education.

53-48-24. Student loan insurance programs — Board to succeed to authority of co-ordinating council — Power to contract — Use of funds — "Eligible

institutions" defined. — (1) The board shall succeed to the powers and authority heretofore vested in the Utah co-ordinating council of higher education to act as the agency for the state of Utah to establish and administer a program for the insurance of loans to student residents of this state to attend an eligible institution in this or any other state. Further, the board shall succeed to the rights and obligations of the council in any valid contract entered into under the authority granted to the council by prior law.

(2) The board shall have the power to enter into a contract or contracts with one or more private nonprofit agencies or corporations or with any federal or state agency, administration or nonprofit corporation to administer such student loan insurance program as the board may establish.

(3) The board may use for the purposes of such student loan insurance programs, such funds as the legislature may from time to time appropriate for such purposes, such federal funds as may be from time to time available to the state of Utah for such purposes and such funds as may be contributed to it from private sources.

(4) An eligible institution as used in this section shall mean an institution authorized to provide post-high school education which (a) is a nonprofit or public institution or (b) is accredited by a nationally recognized accrediting agency or association or (c) is determined by the U.S. Commissioner of Education to be an eligible institution under any student loans insurance program supported in whole or in part by federal funds.

53-48-25. Effect of act — Board to succeed to rights and duties of boards and council. — This act shall not affect the rights, duties, obligations or liabilities that have been duly created or matured under the authority of the various governing boards, the co-ordinating council of higher education or by operation of law before the effective date of this act. The state board of higher education shall succeed to the rights, duties, obligations and liabilities to which the vrarious governing boards and the co-ordinating council of higher education would have been subject but for the enactment of this act.

Passed March 12, 1969.

Approved March 21, 1969.

In effect, Sec. 3 and 4 May 13, 1969.

Other Sections July 1, 1969.

Bylaws of the Utah State Board of Regents

Article 1 — The State Board of Regents

Section 1. *The State Board of Regents.* The State Board of Regents, as a single board, consisting of sixteen members, appointed as provided by law, is vested with the power to govern the state system of higher education. (U.C.A. 53-48-2) As such, the Board is vested with the control, management and supervision of the institutions composing the state system of higher education in the State of Utah, as set forth in the Higher Education Act of 1969 (Chapter 138, Laws of Utah, 1969). The Board succeeds to the powers, duties, authority and responsibilities heretofore held and exercised by the governing boards of the University of Utah, Utah State University, Weber State College, Southern Utah State College, Dixie College, Snow College, the College of Eastern Utah, the Utah Technical College at Provo, the Utah Technical College at Salt Lake, and by the Coordinating Council of Higher Education. (53-48-4) A copy of the Higher Education Act of 1969, as amended, is hereto attached and made a part hereof by reference.

Section 2. The State Board of Regents is the governing board for the state system of higher education. In such capacity the Commissioner of Higher Education serves as its chief executive officer, and communications to and from the Board and member institutions shall be made through the Commissioner.

The State Board of Regents also is the governing board of the institutions in the system. In such capacity the president of each institution serves under the direction of the State Board of Regents as the chief executive officer for his institution, and shall have such duties, powers and functions as are provided in these bylaws.

Committee chairmen, Regents and presidents shall use the Commissioner's Office as the channel of communication for placing items on the Board's agenda. Official contacts with other state agencies, such as the Governor's office, legislative officials, Building Board, Attorney General's office, State Auditor, State Treasurer and others, should flow through the Commissioner's Office if the subject matter involves Board actions, policies, programs, or issues relating to matters reserved to the jurisdiction of the Board by law or by Board action pursuant to Section 15 of the Higher Education Act.

Article II — Officers of the Board

Section 1. *Chairman.* The chairman shall be elected by the Board at its July meeting in each odd-numbered year and shall serve for a term of two years, or until his successor is elected and qualified. No Board member shall be eligible to serve more than two terms as chairman. The chairman shall preside at all meetings of the Board and, as directed by the Board, shall have such other duties, powers and responsibilities as are assigned to him by the Board, provided that the Board may also authorize its executive and other officers to execute such business, including contracts and other documents, as the Board may from time to time authorize and direct.

Section 2. *Vice-Chairman.* The vice-chairman shall be elected by the Board at its July meeting in each odd-numbered year and shall serve for a term of two years or until his successor is elected and qualified. The vice-chairman shall act as chairman in the absence or disability of the chairman and shall have such other duties, powers and responsibilities as may be assigned to him by the chairman and the Board. In the event the office of chairman becomes vacant during the term for which he was elected, the vice-chairman shall act as temporary chairman until the next regular meeting, at which time a new chairman shall be elected to fill the vacancy and serve the balance of the unexpired term. If the office of vice-chairman is similarly vacated, the vacancy shall be filled by election at the next regular meeting.

Section 3. *Secretary.* The Board shall appoint from the staff of its executive officer a secretary to serve at the pleasure of the Board. The secretary shall be a full-time employee at such salary as the Board may fix. He shall be charged with the responsibility of recording and maintaining a record of all Board meetings and shall perform such other duties as the Board may direct. (53-48-5(5).)

Section 4. *Treasurer.* The Board shall appoint a treasurer to serve at the pleasure of the Board. The treasurer shall perform such duties as the Board may prescribe. (53-48-5(6).) The treasurer shall file a bond with the State Treasurer in such amount as the Board may deem appropriate. All checks drawn on account of the Board shall bear the signature of

either the chairman, the vice-chairman, the treasurer, or such officers as may be approved by the Board, such as the commissioner or associate commissioners when so authorized.

Article III — The Utah State System of Higher Education and Its Governance

Section 1. *The Utah State System of Higher Education.* The Utah State System of Higher Education, established by the Higher Education Act of 1969, consists of the State Board of Regents, its officers and staff, the University of Utah, the Utah State University of Agriculture and Applied Science, Weber State College, Southern Utah State College, the College of Eastern Utah, Snow College, Dixie College, Utah Technical College at Provo, Utah Technical College at Salt Lake and such other public post-high school education institutions as the Legislature may from time to time create. (53-48-3.)

Section 2. *Governance and Administration of the System.*

(a) Member institutions, as specified by law, are governed by the Board of Regents, under law, these bylaws, and such policies, rules and regulations as the Board shall establish or authorize to be established.

(b) The Board shall select and appoint a Commissioner of Higher Education to serve as the chief executive officer of the Board. The Commissioner shall be responsible to the Board (1) to see that its policies and programs are properly exeucted, (2) to advise the Board with regard to recommendations from the institutions governed by the Board, (3) to furnish information about the state system of higher education and make recommendations to the Board with respect thereto, (4) to provide state level leadership in all activities affecting institutions in the state system of higher education, and (5) to do such other things as may be directed by the Board in carrying out its duties and responsibilities under the law. (53-48-6.)

The Commissioner shall be responsible for interpretation of Board policy to the presidents of the institutions in the Utah System of Higher Education and to interpret policy to all others who may seek further clarification of Board policy. The president of any institution may appeal to the State Board of Regents any interpretation of Board policy if he or she feels that the Commissioner's interpretation is in error.

(c) The Board after consulting with the institutional council shall appoint and hire a president for each state university, state college, state junior college, and state technical college, and other institutions in the

state system of higher education, each to serve at the pleasure of the Board and at such salary as it may determine and fix. (53-48-4 and 15.) Presidents of member institutions are responsible to the Board. Presidents have the assistance of an institutional council, as provided by law (53-48-19), and such internal organs as constituted and authorized under law, by this Board from time to time (Sec. 53-48-15), unless the Board shall reserve to itself any of the institutional powers set forth in U.C.A. 53-48-15.

(d) Upon the recommendation of the Commissioner as its chief executive officer, the Board shall appoint and hire a staff of professional and administrative personnel to serve at the pleasure of the Board at such salaries, retirement provisions and other benefits, and in such capacities as the Board may from time to time determine and direct. The Board may also develop arrangements for any transfers of function, personnel, or other cooperative arrangements with member institutions, for the benefit of the work of the Board and the effective performance of its duties. (See 53-48-7; also Article III, Sec. 5, of these bylaws.)

(e) In order to ensure that there is effective follow through in implementing Board action, the Commissioner shall represent the Board (when it is not in session) in giving guidance and assistance to institutions that will lead to timely and effective implementation of actions of the Board.

(f) The Commissioner is empowered to require information and reports from the institutions in the System that will be of use to him in seeing that Board actions are implemented. The Commissioner has the authority, after giving due notice to the president, to assign his staff to audit records of institutions, to verify data, and to make sure that the same are uniformly reported. Such audits shall be closely connected to matters germane to recommendations that the Commissioner must make to the Board for its action. Audits by the Commissioner's staff shall be done under the priorities set by the Regents. The Commissioner shall be responsible for harmonizing the work of his audit staff with the actions and priorities set by the Regents.

(g) The Commissioner shall respond to inquiries and also take the initiative to see that actions of the Board (such as budget adoptions, new roles and curriculum actions, building project priorities, etc.) are clearly explained and advocated before the Governor and his staff, legislative bodies, the State Building Board, and other officials and governmental entities.

(h) After the Board has adopted a new policy, program, or taken an action, the Commissioner shall have the responsibility to see that it is properly carried out. This responsibility shall entail: follow-up conversation with presidents, interpretation of the intent of the Board's action, facilitating communication back to the Board on problems encountered, and making such progress reports as the Board may require. In carrying out these responsibilities, the Commissioner should be cognizant of the fact that responsibility for the internal operations of each institution has been delegated both by law and by Board action to each president, with the approval of the institutional council. Presidents shall be mindful of the fact that the Commissioner has the responsibility by law and by Board action to see that policies, programs and actions of the Board are properly executed and that his actions in this regard are being taken for and on behalf of the Board as he functions as chief executive officer of the Board. The Commissioner shall function in close harmony with Board policies and shall be in constant touch with the Chairman and Executive Committee on matters about which he may have questions between regular Board meetings.

Section 3. *Institutional Governance and Administration.*

(a) The presidents are responsible to the Board for the governance and administration of their respective institutions. Presidents with the assistance of their institutional councils are responsible (1) for the property, both personal and real, established at their respective institutions as of June 30, 1969, together with such additions thereto as the Board may from time to time approve (See 53-48-16); and (2) for the education, safety and welfare, for the good of education in the state and their respective institutions, of all persons admitted and enrolled, employed, or otherwise entering their premises, under such rules and regulations as the institution shall establish.

(b) The president of each institution, through the Commissioner, shall provide the Board with such information relating to the operation of each institution and in such form as may be required from time to time by regulation or order of the Board.

(c) The president, with the approval of their institutional councils, under paragraphs (1), (2) and (3) of 53-48-15 of the Act, are authorized to appoint, prescribe the duties, provide and under general Board policies fix the salaries of the faculties, staffs, officers and employees of their respective institutions, reporting periodically their actions on personnel as may be required by the Board.

(d) The president of each institution, with the approval of the institutional council, shall have the authority to and shall issue institutional rules and regulations governing the well-being of persons and the security of property at their institutions, consistent with law and the policies of the Board, and to implement paragraphs (4), (5), (6) and (7) of 53-48-15 of the Act. And, until or unless the Board shall reserve to itself any of the provisions of 53-48-15 of the Act, the president of each institution, acting with the approval of the institutional council, shall be responsible to the Board for the enactment and the execution of rules for regulating and safeguarding the health, welfare, and the rights of all persons at, in, or using the property, facilities and resources existent at each institution and pertaining to its various operations and property. All such rules now existing are declared to be in effect as issued by the institution, and modifications or new enactments shall be in effect when reported to and filed by the president with the Board, provided that the president, with approval of the institutional council, shall have authority to issue such rules and regulations in any emergency, to maintain the safety and well-being of persons and the security of property at their institutions. Each president shall be responsible for filing a copy of the minutes of each council meeting with the Board.

(e) The president, faculties, staff, students, alumni, and institutional council of each institution, when duly appointed, or admitted and qualified, are members of their respective universities, colleges and institutions, and, with the exception of the president (who serves at the pleasure of the Board), may be suspended, removed from, or otherwise subjected to discipline in their respective categories of membership in accordance with law and the various rules and regulations governing the institutions of which they are members. Presidents, with the approval of the institutional council, are encouraged to consult with, provide and develop such arrangements for institutional government, involving appropriate participation in institutional affairs of these classes of institutional membership, as may serve the interests of each institution and promote the good of education thereat.

(f) Under no circumstances shall the Commissioner, any president, or other officer of an institution present or advocate budget items, capital facilities priorities, or other legislation to legislators, legislative committees, the Legislature, the Governor, or any other state agency that are inconsistent with actions or policies of the Board of Regents on such matters. The Commissioner and such other persons as may be designated by the Board shall be the spokesmen for the Board at all official hearings before the legis-

lators, legislative committees, the Legislature, the Governor, or any other state agency. Nothing herein shall preclude a president or other officer of an institution from appearing at hearings involving his institution.

Section 4. *Institutional Councils.*

(a) In addition to authority delegated to presidents in Section 3 of this Article, to be exercised by them with the approval of the institutional council, each institutional council shall act in behalf of its institution in facilitating communication between the institution and the community, in assisting in planning, implementing and executing fund raising and development projects aimed at supplementing institutional appropriations, in prepetuating and strengthening alumni and community indentification with the institution's tradition and goals, and in selecting those persons to be recipients of honorary degrees to be granted by the institution. (53-48-19(2).)

(b) Each university and college of the system is authorized to award honorary degrees in recognition of outstanding achievement or distinctive public service, as selected for such consideration by the institutional council. (53-48-19(2).)

(c) Each institutional council is authorized to approve all candidates for earned degrees and diplomas authorized by law and the Board of Regents, conferred by the institution. (53-48-14.) Such candidates shall be recommended to the institutional council by the president and faculties in accordance with institutional rules, provided that no degree or diploma shall be conferred except as authorized by law and the Board of Regents. Upon approval, all degrees and certificates shall be conferred in each institution by the president thereof. The general style for conferring degrees shall be: "As authorized by law and the Utah State Board of Regents." Diplomas attesting thereto shall bear the signature of the president of the institution, the chairman of the institutional council, the chairman of the State Board of Regents, and the Commissioner of Higher Education. Non-degree certificates signifying completion of short, correspondence, or extension courses, as authorized under law prior to June 30, 1969, may be distributed and awarded by each institution, provided that the Board may direct the termination of any such when inconsistent with the institutional role prescribed by the Board. New or additional degrees, testimonials, or programs since June 30, 1969, shall be subject to the approval of the Board.

(d) Each council may enact such bylaws for its own government as it deems necessary, provided such bylaws are not in conflict with these

bylaws, including provision for regular meetings of the council. Copies of the council's bylaws shall be submitted to the State Board of Regents. (53-48-19(6).)

(e) The president of each institution is responsible for submitting to the Board copies of both (1) the institutional council's bylaws for its own government, and (2) copies of the institutional rules and regulations governing the institution, to be issued by the president with the approval of the institutional council, as set forth and delegated in Section 3 (a) and 3 (d) of these bylaws above, and any other reports of institutional business required by the Board.

(f) Questions regarding the scope of institutional role and authority and operations of institutional councils under these bylaws and the Board's authority, shall be referred initially by the president of each institution to the Commissioner of Higher Education for transmittal, examination, review and necessary consideration by the Board of Regents.

Section 5. *The Board and Its Professional Staff.* The Commissioner and such members of the professional staff of the Board of Regents as may be recommended by the Commissioner, may qualify as members of the faculties of the member institutions of the system, in accordance, in each individual case, with institutional rules. Qualifications for a specific rank, or any questions regarding participation of a Board staff member in the academic life of any member institution, shall be established and resolved in harmony with the practices and regulations of the member institution concerned. The Board's staff, professional or otherwise, shall, unless otherwise provided by the Board, operate under the same policies governing vacation, sick, and other leaves, as the faculty and staff of the University of Utah. Group insurance, retirement, and other group benefits in effect at the University of Utah may be elected by an individual member of the Board's staff with the approval of the Commissioner.

Article IV — Offices

Section 1. *Principal Office.* The principal office of the State Board of Regents shall be located in Salt Lake City, State of Utah. The Board may have such other offices within the State of Utah and at member institutions as its duties may require.

Article V — Meetings

Section 1. *Regular Monthly Meetings.*

(a) The Board shall meet regularly on the same day of the same week

of the month, as it shall determine, and when specifically called to convene, in full or executive session, by the chairman of the Board, by the executive officer of the Board, or by request of five members of the Board. (53-48-5(10).) Unless otherwise determined by the Board, the regular monthly meeting of the Board shall be held on the fourth Tuesday of each month at 1:00 p.m., at its office, in Salt Lake City, or at such other place and time of day as may be determined by the Board. If such day shall be a legal holiday in the State of Utah, such meeting shall be held on the next succeeding business day, or as determined by the Board. Meetings of committees of the Board, or the Board meeting as a committee of the whole, shall be on notification given at least seven days in advance.

(b) With the exception of the Commissioner and staff, presidents of institutions or their desginated alternate, the executive or legislative officers of the State, communications or representations from persons other than the foregoing, not members of the Board, shall be submitted to the Board in writing. Communications received less than fourteen days preceeding any Board meeting may be deferred by the Board to a later meeting at its discretion, or, referred by the chairman to a committee, commissioner, or other officer of the System. Persons other than members or those listed for business on the regular agenda, or their designated alternates, may address the Board while in session only on the recognition of the chairman or by consent of a quorum of members present.

Section 2. *Special Meetings.* The Board may be called to convene in a special meeting, in full or executive session, by the chairman of the Board, by request or call of any five members, or by the executive officer of the Board. (53-48-5(10).)

Section 3. *Notice of Meeting.* Notice of the time and place of each regular and special meeting of the Board shall be mailed by the Commissioner, or staff member directed by him, to each member of the Board and institutional president, to his last known address, at least seven days before each regular meeting, together with an agendum showing, with particularity, the nature of the business to be acted upon at such meeting. Less notice may be given in case of special or emergency meetings.

Section 4. *Agenda and Order of Business.* The official agenda shall constitute the principal business at regular meetings of the Board. The regular order of business at all meetings of the Board shall be:

(1) Roll Call.
(2) Action on the minutes of the preceding meeting.
(3) Report of the Commissioner of Higher Education.
(4) Reports of the Committees of the Board.
   a. Executive Committee.
   b. Budget and Finance Committee.
   c. Curriculum, Roles and Vocational-Technical Committee.
   d. Planning and Capital Facilities Committee.
   e. Other Committees.
(5) Presentation of institutional reports by heads of institutions.
(6) Communications, petitions, uncommissioned and miscellaneous.
(7) Adjournment.

Section 5. *Institutional Reports, Items to be Presented.* The president of each institution will transmit to the Commissioner, at least fourteen days in advance of each meeting, the items required for presentation to the Board under Section 4 above. The proposed items shall be listed within the following categories to serve the interests of the Board: (A) Items recommended for action; (B) Items for informational purposes.

Items for action should include:

A. 1. Proposals for new courses or changes in program.
   2. Contracts, financial, and other business requiring Board approval.

B. 1. Examples of institutional report items include the following categories:
   (a) Summary of personnel and staff changes approved by the president and institutional council for the period ending with the last day of the month since the last Board meeting.
   (b) Summary of gifts and grants received for research, training, or other purposes for the same period from (1) federal, (2) other public jurisdictions, or (3) private sources.
   (c) Any enrollment summaries, number of degrees conferred, planning data, or other information requested by the Board from time to time.
   (d) Any items concerning the institution which, in the discretion of the president, he feels should be brought to the attention of the Board.

Section 6. *Board Procedure.* All matters submitted by member institutions to the Board for its approval shall be directed to the Commissioner and be referred by him to the appropriate standing committees of the Board unless the Board, by majority vote, decides to consider a

particular matter initially as a committee of the whole. Items submitted to the Board by the institutions shall be placed on the agenda on the Board committees by the Commissioner or his delegate, and the president of each institution submitting an item which is on the agenda of a Board committee shall be given notice of committee meetings in the manner provided in these bylaws.

On all items on the agendum, the Commissioner shall make a recommendation as to what action should be taken. Since the Commissioner is required to make a recommendation on all Board action items on the agendum, it is incumbent upon committee chairmen and presidents to keep the Commissioner fully informed and involved in discussions and deliberations that may have implications for Board action.

Section 7. *Recording of Votes.* Any member so requesting shall have his vote recorded in the minutes, or on request of any member the vote of each member shall be recorded.

Section 8. *Executive Session.* The Board may go into executive session as provided by law as set forth in Section 10 below.

Section 9. *Rules.* Robert's Rules of Order shall be followed in conducting all meetings of the Board, and of the meetings of the committees of the Board.

Section 10. *Open and Public Meetings.* The State Board of Regents, under the laws of Utah, exists to serve the public interest and govern the state system of higher education. As provided by law, "all matters requiring Board determination shall be presented to and deliberated upon by the Board as a whole or as an executive committee properly convened." (53-48-5(8), Higher Education Act of 1969.)

Meetings of the Board shall be open and public, except that the Board may meet in executive session, at its discretion, including occasions when the Board finds it necessary to discuss or determine the acquisition or disposition of real estate, or personal matters of a confidential nature; provided that all resolutions, rules, regulations, contracts, or appropriations shall be finally approved in open session.

Article VI — Committees

Section 1. *Enumeration and Selection.* There shall be four standing committees of the Board and such other committees as the Board or the

chairman may determine from time to time to be necessary or appropriate. With the exception of the Executive Committee, the members of all committees and their chairmen shall be appointed by the chairman of the Board. Each committee shall serve concurrent two-year terms with the chairman who appointed them, immediately following his election in each odd-numbered year. The Commissioner shall provide such services as might be necessary to each standing committee. The committees are:

(1) Executive Committee.
(2) Budget and Finance Committee.
(3) Curriculum, Roles, and Vocational-Technical Committee.
(4) Planning and Capital Facilities Committee.

The Budget and Finance Committee shall convene as a Committee of the Whole Board during budget hearings with the institutions on budget matters.

The chairman or vice-chairman of the Board shall be an ex officio member of each standing committee when in attendance without power to vote.

Section 2. *Executive Committee.* The Executive Committee shall be composed of the chairman of the Board, vice-chairman of the Board, the immediate past chairman of the Board, and three members duly elected at the July meeting in each odd-numbered year, after the year 1969. The Executive Committee shall have the full authority of the Board to act during the interim between Board meetings, but shall act only upon extraordinary and emergency matters. Actions of the Executive Committee requiring Board determination shall be reported to the Board at its next meeting following such action. (53-48-5(8).)

Section 3. *Committee Meetings.* Meetings of all committees of the Board may be held upon the call of the chairman of the committee, the chairman of the Board, or at the request of the Commissioner. The Board may also meet as a committee of the whole on the call of the chairman. Notice of the time and place of every committee meeting and of the business to be acted upon shall be given to the members of the committee and the Commissioner and institutional presidents by the person calling such meeting, by mail or other personal communications.

Article VII — Quorum

Section 1. *Board and Committees.* A quorum of the Board necessary to conduct and transact its business shall consist of nine members of the

Board. (53-48-5(11).) A quorum of any committee of the Board shall consist of a majority of its members. If less than a quorum are present at the time and place for any such meeting called, the Board or committee meeting may be adjourned from time to time without further notice.

Section 2. *Proxy Voting.* Proxy voting shall not be permitted at meetings of the Board or the meetings of its committees.

Article VIII — Public Information

Section 1. *Official Pronouncements.* The chairman of the Board is the only member of the Board authorized to make official pronouncements for the Board, and then as instructed by the Board. The Commissioner as executive officer of the Board is ex officio authorized to speak for the Board and the state system of higher education with respect to any policy matters that have received the approval of the Board, and on administrative matters which have been entrusted to him by law or by the Board.

Section 2. *Releases and General Information.* The Commissioner of Higher Education, as executive officer of the Board, or in his absence a designated deputy, may issue such news releases, general information and other communications regarding administration of the system of higher education, as will serve its interests, such releases to be consistent with Board policies and practices.

Section 3. *Institutional Releases.* The presidents of each institution, as chief executive officers of their respective institutions, are responsible for all releases and information issued from their institutions.

Article IX — Pecuniary Interest

Section 1. *Board Members.* No Board member shall be pecuniarily interested directly, or indirectly, in any contracts made in behalf of any institutions of higher education in the State of Utah.

Article X — Amendments

Section 2. *Method.* These bylaws may be amended or repealed at any regular meeting of the Board, by a majority vote of nine members, provided that copies of any proposed amendments shall be submitted in writing to each member and to the Commissioner at least seven days before the meeting at which they are to be proposed.

Adopted by the Board June 17, 1970, with editorial and minor changes as amended July 28, 1970, September 11, 1970, January 20, 1971, July 27, 1971, December 20, 1973, July 22, 1975, and July 14, 1980.

Some Additional Statutes With Particular Application to the System of Higher Education

1. Higher Education Assistance Authority
   Sec. 53-47a-1 et seq. Utah Code Annotated (1953).
2. Higher Education Loan Act
   Sec. 53-48a-1 et seq. Utah Code Annotated (1953).
3. Tuition, Fees and Student Residency
   Sec. 53-34-1 et seq. Utah Code Annotated (1953).
4. Disclosure of Salary Information
   Sec. 53-48a-1 et seq.
5. Control of Real Property
   M.C.A. 65-7-9 As amended by Chapter 238, Laws of Utah, 1979.
6. Utah Money Management Act
   Sec. 51-7-1 et seq.
7. Utah Budgetary Procedures Act
   Sec. 63-38-1 et seq.
8. Public Offices and Employees Ethics Act
   Sec. 67-16-1 et seq. Utah Code Annotated (1953). See also Opinion of the Attorney General, No. 79-14, April 12, 1979.
9. Offenses on Campus or Related Facilities
   Secs. 76-8-701 through 76-8-718 Utah Code Annotated (1953).